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ORIGINAL

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May 22, 2012

VIA OVERNIGHT MAIL

Kenneth I. Rose III
Financial Analyst (3HS62)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Metro Container Site, Trainer, Pennsylvania

Dear Mr. Rose:

Enclosed please find Reit Fuel Oil Company, Inc.'s ("Reit Lubricants") response to the U.S. Environmental Protection Agency's Request for Information dated March 9, 2012, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 *et seq.*, as amended ("CERCLA"), concerning the above-referenced Metro Container Site in Trainer, Pennsylvania. On April 10, 2012, Andrew Goldman, Senior Assistant Regional Counsel, granted our client, Reit Lubricants, an extension until May 23, 2012, to submit this response.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Michelle M. Skjoldal

Enclosure

c: John W. Carroll, Esquire

**REIT FUEL OIL COMPANY, INC.'S RESPONSE TO
REQUEST FOR INFORMATION REGARDING THE
METRO CONTAINER SITE, TRAINER, PENNSYLVANIA**

General Objections

Reit Fuel Oil Company, Inc. ("Reit Lubricants") makes the following General Objections to each and every one of the Information Requests contained herein:

1. Reit Lubricants objects to each of the Information Requests contained herein on the grounds that CERCLA does not authorize the U.S. Environmental Protection Agency ("US EPA"), or any other party, to request, or otherwise compel any party to provide information with respect to any matter not involving the release, or threat of release, of hazardous substances into the environment.
2. Without waiving General Objection No. 1, to the extent that any Information Request seeks information that does not relate to the release or threatened release of a hazardous substance into the environment (e.g., drums which do not, or did not, contain any hazardous substance), Reit Lubricants objects to the Request on the grounds that it exceeds US EPA's and any other party's authority to request information pursuant to CERCLA.
3. Reit Lubricants objects to any suggestion that it has an ongoing duty to supplement the responses set forth herein on the grounds that CERCLA neither creates such a duty, nor does it authorize US EPA or any other party to establish one.
4. Reit Lubricants objects to the instruction stating the response must be signed by an appropriately authorized corporate official on the grounds that CERCLA does not require such a signature.
5. Reit Lubricants objects to the definition of the term "pollutant or contaminant" as overly broad, vague and ambiguous.
6. Reit Lubricants objects to the definition of the term "you" as overly broad, vague and ambiguous, since it references persons who conduct business on Reit Lubricants' behalf who may have no relation to the Metro Site.

Without waiving any of these objections, Reit Lubricants provides the following Responses to the Request.

QUESTIONS

REQUEST NO. 1:

EPA has information which indicates that you sent drums to the Metro Container Site between 1980-1988 from one or more of your facilities. For each such facility, identify:

- a. The address of the facility; and
- b. The products/materials produced at such facility between 1980-1988.

RESPONSE:

Reit Fuel Oil Company, Inc. ("Reit Lubricants") traded as ("T/A") Reit Service Company and Reit Lubricants Company at various times. The name Reit Service Company was utilized in Reit Lubricants' heating and air conditioning service and installation business. The name Reit Lubricants Company was used in Reit Lubricants' lubricants distribution business.

From 1980 until approximately the spring of 1993, Reit Lubricants' fuel storage and distribution business ran out of 1614 Old York Road, Abington, PA 19001 ("Abington Facility"). In 1985, Reit Lubricants commenced its lubricants storage and distribution business at 899 Mearns Road, Warminster, PA 18974 ("Warminster Facility"). In 1993, Reit Lubricants closed its Abington Facility and moved its entire operation to its Warminster Facility (hereinafter referred to as the "Reit Facility").

To the best of Reit Lubricants' knowledge, information and belief, and as reflected in the documents attached hereto as Exhibit A, the Reit Facility is the only location from which empty drums were sent to the Metro Container Site ("Metro Site"). Reit Lubricants has no reason to believe, or documentation showing, that any drums or other containers were sent from the Abington Facility to the Metro Site.

Reit Lubricants did not and does not produce any product or material, including at the above-identified Reit Facility. Reit Lubricants was and is in the business of purchasing petroleum products (lubricants) wholesale and repackaging and reselling them for retail sale. These petroleum products come to the Reit Facility in containers such as cases, pails, kegs, and drums, and Reit Lubricants resells them to its customers. Reit Lubricants can also pump bulk product out of a tank and put it in reconditioned drums for resale. Reit Lubricants does not blend oil at its facility.

REQUEST NO. 2:

Identify the processes used between 1980-1988 to produce the products/materials identified in response to Question #1.

RESPONSE:

As stated in the Response to Request No. 1, above, Reit Lubricants did not and does not produce any product or material at the Reit Facility. Rather, Reit Lubricants was and is in the business of purchasing petroleum products (lubricants) wholesale and repackaging and reselling them for retail sale. Therefore, there were no processes used to produce any products or materials at the Reit Facility at any time.

REQUEST NO. 3:

Identify the raw materials used in the processes identified in response to Question #2.

RESPONSE:

As stated in the Response to Request No. 1, above, Reit Lubricants did not and does not produce any product or material at the Reit Facility. Rather, Reit Lubricants was and is in the business of purchasing petroleum products (lubricants) wholesale and repackaging and reselling them for retail sale. Therefore, there were no raw materials used in any processes at the Reit Facility at any time.

REQUEST NO. 4:

Identify all wastes and by-products generated between 1980-1988 from the processes identified in response to Question #2.

RESPONSE:

As stated in the Response to Request No. 1, above, Reit Lubricants did not and does not produce any product or material at the Reit Facility. Rather, Reit Lubricants was and is in the business of purchasing petroleum products (lubricants) wholesale and repackaging and reselling them for retail sale. Therefore, there were no wastes or by-products generated from any processes at the Reit Facility at any time.

REQUEST NO. 5:

For each raw material and waste/by-product identified in response to Questions #3 and #4:

- a. Identify the chemical composition.
- b. Provide a copy of all documents referring to or related to the composition of such raw material and waste/by-product including, but not limited to, chemical analyses performed on such raw materials and wastes/by-products; and
- c. Identify how each waste/by-product was disposed of between 1980 and 1988.

RESPONSE:

As stated in the Responses to Request Nos. 3 and 4, above, there were no raw materials, wastes, or by-products generated at the Reit Facility at any time.

REQUEST NO. 6:

Identify all chemicals/constituents that would have been present in drums present at any time between 1980-1988 at the facilities identified in response to Question #1(a).

RESPONSE:

Reit Lubricants is without sufficient knowledge to answer this question with absolute certainty, as it does not test the contents of the drums at the Reit Facility. Notwithstanding, see the Material Safety Data Sheets submitted as part of Reit Lubricants' April 29, 1988 response letter to US EPA concerning the Metro Site.

REQUEST NO. 7:

Identify the number of drums/containers sent to the Metro Container Site from the facilities identified in response to Question #1.

RESPONSE:

To the best of Reit Lubricants' knowledge, information and belief, and as reflected in the documents attached hereto as Exhibit A, 507 empty drums were sent directly to the Metro Site from the Reit Facility. Reit Lubricants is not aware of, nor is there any documentation of, any other drums or containers sent directly from the Reit Facility to the Metro Site.

In the normal course of business, Reit Lubricants would return empty drums owned by the Mobil Oil Company ("Mobil") to Mobil. Mobil would then, by its choice, transport the drums to other facilities for reconditioning, including, in some cases, the Metro Site. We note that a Booz-Allen report attached to a March 1, 1990 letter from Wendy A. Miller, US EPA Assistant Regional Counsel, to Mr. Carl Everett, Esquire, distinguishes between primary responsible parties ("RPs") and secondary RPs in connection with the Metro Site. The Report indicates that Reit Lubricants Company and Reit Service Company were secondary RPs to Mobil, a primary RP. Specifically, the Report indicates that 1,236 drums from Reit Lubricants Company and 569 drums from Reit Service Company, totaling 1,805 drums, were returned from the Reit Facility to Mobil, which Mobil then sent to the Metro Site. Reit Lubricants has no records confirming the accuracy of these drum counts.

It also must be noted that a separate document generated from a Booz-Allen database indicating the number of drums that various potentially responsible parties ("PRPs") sent to the Metro Site, as referenced in a December 3, 1992 letter from Mr. Everett to the PRPs, associates 1,476 drums with Reit Lubricants Company and 857 drums with Reit Service Company. While the document contains no mention of Mobil's drum count, it appears that Mobil's shipments to the Metro Site are included in the numbers associated with the Reit entities. To the extent US EPA already settled with Mobil, Reit Lubricants should not be held responsible for any of the drums Mobil sent to the Metro Site.

On April 29, 1988, Reit Lubricants, through the law firm Clark Ladner Fortenbaugh & Young, submitted a response to US EPA's April 12, 1988 information request concerning the Metro Site. Some of the documents produced as part of that response reflected that Reit Lubricants purchased and/or ordered drums from Metro in the 1980s. These records may have been inadvertently and incorrectly interpreted as showing drums that Reit Lubricants *sent to* the Metro Site, instead of correctly interpreted as showing drums that Reit Lubricants *purchased from* Metro. Because there is no indication that there was ever a drum-for-drum exchange between Reit Lubricants and Metro, documents showing drums that Reit Lubricants purchased from Metro should not be interpreted as also reflecting the number of drums sent to the Metro Site.

REQUEST NO. 8:

Identify the procedures used to determine which drums present at any time at your facilities would be sent to the Metro Container Site.

RESPONSE:

Reit Lubricants is without sufficient knowledge to answer this question with absolute certainty; however, Reit Lubricants has no information indicating that the drums sent to the Metro Site were purposely selected to be sent there or had any characteristic(s) distinguishing them from other drums at the Reit Facility.

Reit Fuel Oil Company, Inc.'s Response to Request for Information Regarding Metro Container Site

REQUEST NO. 9:

Identify the chemicals/constituents contained in the drums you sent to the Metro Container Site.

RESPONSE:

Based on Reit Lubricants' knowledge and belief as to the routine manner of managing empty drums, it is presumed that the drums Reit Lubricants sent to the Metro Site were empty.

REQUEST NO. 10:

If you assert in response to Question #9 that some or all of the drums sent to the Metro Container Site were empty, identify the chemicals/constituents that would have been in the drums before they were emptied.

RESPONSE:

Reit Lubricants objects to this request as being speculative and vague. Notwithstanding the foregoing objection, see the Response to Request No. 6, above. Also, see the Material Safety Data Sheets submitted as part of Reit Lubricants' April 29, 1988 response letter to US EPA concerning the Metro Site.

REQUEST NO. 11:

Identify, and provide a copy of, all contracts and agreements between you and Metro Container Corporation or any related entity under which drums were sent from your facilities to the Metro Container Site.

RESPONSE:

The documents responsive to this request are as follows, and are attached hereto as Exhibit A:

1. September 28, 1987 Metro Container Receiving Record No. 6052.
2. August 21, 1987 Reit Lubricants Company Shipping Ticket.
3. July 22, 1987 Reit Lubricants Company Shipping Ticket.

REQUEST NO. 12:

Provide the name, title, address, and telephone number of the person answering these questions on your behalf. For each question, provide the name, title, area of responsibility, current address, and telephone number of all persons consulted in preparation of the answers.

RESPONSE:

The following individuals answered the questions and/or assisted with preparation of the answers contained herein on behalf of Reit Lubricants:

F. Christian Haab, Esquire
Chief Executive Officer
F.C. Haab Co., Inc.
2314 Market Street
Philadelphia, PA 19103
(215) 563-0800

Stephen P. Thiers
General Manager
Reit Fuel Oil & Lubricants Co.
899 Mearns Road
Warminster, PA 18974
(215) 674-1000

REQUEST NO. 13:

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. Your document retention policy;
- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.);
- c. The approximate date of destruction;
- d. A description of information that would have been contained in the documents; and,
- e. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

RESPONSE:

Reit Lubricants objects to this request as being speculative and vague. Notwithstanding the foregoing objection, to the best of Reit Lubricants' knowledge, information and belief, there are no documents responsive to this request. Reit Lubricants has no reason to believe that any documents solicited in this information request are no longer available or have been destroyed.

By way of further response, Reit Lubricants' current document retention policy, which became effective in 1992, entails retaining documents for seven (7) years and thereafter shredding them. Reit Lubricants is uncertain of the document retention policy in place during the 1980s. Richard P. Keyser was the General Manager of Reit Lubricants from 1980-1989. Mr. Keyser retired in 1989 and passed away in 2007. Mr. Keyser's successor, Thomas Rogers, was General Manager from June 1989 until April 1992. Reit Lubricants is unaware of Mr. Rogers' current contact information. Mr. Keyser, Mr. Rogers, and Mr. Thiers would be the individuals identified in response to subsection e, above, if there were records responsive to this request.

REQUEST NO. 14:

If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information that you provide in a response to this request should include the party's name, address, type of business, and the reasons why you believe that the party may have contributed to the contamination at the site or may have information regarding the Site.

RESPONSE:

Reit Lubricants has no information responsive to this request.

EXHIBIT A

RECEIVING RECORD

6052

metro con.
REIT OIL
WARILISTER PA

PURCHASE ORDER NO. OR RETURNED
GOODS

FREIGHT BILL NO.

DATE

9/28/87

VIA

PREPAID COLLECT

QUANTITY	ITEM NUMBER	DESCRIPTION
1 1.50	55	GAL H F
2		
3		
4 8	55	FULL CREDIT
5		
6		
7		
8		
9		
10		
11		
12		

REMARKS: CONDITIONS, ETC.

SUB TO INSP

F# 250

NO. PACKAGES	WEIGHT	RECEIVED BY	CHECKED BY	DELIVERED TO
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REDIFORM
2H 260BE SURE TO MAKE THIS
RECORD ACCURATE AND COMPLETE

REIT LUBRICANTS CO.

899 Mearns Road
Warminster, PA 18974
(215) 674-1000

DEPT. _____

DATE

8/21 1987

NAME

Chelco Container Corp

ADDRESS _____

CITY _____

THIS IS NOT AN INVOICE. SHIPPING TICKET ONLY.

QUAN	DESCRIPTION	PRICE	AMOUNT
1	<i>returned from</i>		
2	<i>Reit Lubricants Co</i>		
3			
4	<i>213 drums</i>		
5			
6			
7			
8			
9			
10	<i>Ind Mtl</i>		
11	<i>SUB TO INSP.</i>		
12			
13			
CUSTOMER'S ORDER NO		REC'D BY	

REIT LUBRICANTS CO.

899 Mearns Road
Warminster, PA 18974
(215) 674-1000

DEPT. _____ DATE 7-22 1987
NAME METRO CONTAINER CORP
ADDRESS _____
CITY _____

THIS IS NOT AN INVOICE. SHIPPING TICKET ONLY.

QUAN		DESCRIPTION	PRICE	AMOUNT
144	1	EMPTY DRUMS		
	2	FOR RECONDITIONING		
	3			
	4			
	5			
	6			
	7			
	8			
	9			
	10			
	11			
	12			
	13			
CUSTOMER'S ORDER NO			REC'D BY <i>Hugh Berman</i>	